

EXHIBIT B



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In a late Friday court filing, immigration officials said a claim by a Guatemalan man — a key plank of the government's response in a class action lawsuit — was based on erroneous information.



Demonstrators wave Mexican flags during a protest calling for immigration reform, Feb. 2, 2025, in Los Angeles. Eric Thayer | AP

By KYLE CHENEY

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When a Guatemalan man sued the Trump administration in March for denoting him to Mexico despite a [fear of persecution](#), immigration officials

“Upon further investigation ... ICE was unable to identify an officer or officers who asked O.C.G. if he feared a return to Mexico,” said Brian Ortega, assistant field office director for ICE’s Enforcement and Removal Operations, in a sworn statement to the federal judge overseeing the lawsuit.

The mistake may have been costly: The judge overseeing the lawsuit [said last month](#) he did not order the administration to facilitate O.C.G.’s immediate return from Mexico in part because of the dispute. Instead, U.S. District Judge Brian Murphy, a Biden appointee based in Massachusetts, ordered expedited fact-finding, which helped unearth the mistake.

ICE’s acknowledgment is the latest in a string of errors that have led judges to fault the administration for attempting to carry out President Donald Trump’s mass deportation campaign at a breakneck pace — [often at the expense of due process](#).

It occurred in the case of Kilmar Abrego Garcia, a Salvadoran man — accused of gang ties by the administration — who was hurriedly deported to his home country [in violation of a court order](#) that found he could be a target for violence by a local gang. It also occurred in the case of Daniel Lozano-Camargo, a Venezuelan man deported to El Salvador in March [despite a court-approved settlement](#) requiring the administration to adjudicate his asylum claim first.



Many of those targeted by Trump's invocation of the Alien Enemies Act — a wartime power the administration has wielded to speed deportations of those the government deems "terrorists" or "gang members" — have claimed they were erroneously identified as members of a violent Venezuelan gang. The Supreme Court on Friday [blocked Trump from another round of Alien Enemies Act deportations](#), warning that the administration had failed to provide a meaningful chance for those targeted to contest their designation as gang members.

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O.C.G.'s case is part of a separate lawsuit against the administration's decision to rely on so-called "third countries" for deportation. Under the administration's policy, if an immigrant's home country won't accept them, or they have a legitimate fear of returning, authorities may send them to an alternate country instead.

However, Murphy has [blocked such deportations](#) without notice, saying those deported under the "third country" policy must have a similar opportunity to raise challenges and legitimate fears of torture or persecution.

O.C.G.'s case was one of the original factors in Murphy's decision. The man said he fled Guatemala in April 2024 to escape persecution. He claims that while crossing through Mexico, he was targeted for being gay, raped and held captive until his sister paid a ransom. He then arrived in the United States.

In February 2025, a judge granted him withholding of removal to Guatemala, finding his fear of persecution to be legitimate. But the administration quickly deported him to Mexico without notice, his attorneys sa

In his ruling blocking third-country deportations without notice, Murphy referenced the administration’s claim that O.C.G. had told ICE he was unafraid to return to Mexico, but he said he didn’t buy it because it was based on hearsay from Ortega. However, because of the dispute, Murphy [declined to immediately order the government to facilitate O.C.G.’s return](#) from Mexico. It’s unclear whether the admission from the Trump administration will alter his thinking.

The administration has appealed Murphy’s order to the 1st Circuit Court of Appeals, which sided with Murphy on Friday and rejected the government’s effort to quickly lift the block on third-country deportations.

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US News Reporter



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The Trump administration has acknowledged that a person was deported from the United States on the back of erroneous information.

Why It Matters

It comes after **Kilmar Abrego Garcia**, a 29-year-old Maryland resident, was deported to El Salvador last month despite a court order blocking his removal. Arrested in 2019 and accused of being part of the MS-13 gang—a group the Trump administration labels a terrorist organization—Abrego Garcia denied the claim, though two judges found him to be a member based on confidential information provided to the court. He had been protected from deportation due to fears that rival gangs in El Salvador would target him. **ICE** officials now say his deportation was the result of an "administrative error." Abrego Garcia has no U.S. criminal record.

Trump campaigned on a hard-line immigration stance, pledging to carry out the largest mass deportation in U.S. history. In the initial months of his presidency, his administration said it had **deported around 100,000 illegal immigrants**, many following his invocation of the seldom used Alien Enemies Act of 1798, which grants the president authority to deport non-citizens without them appearing before a judge.

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reported by POLITICO.

In a late Friday court filing, U.S. Immigration and Customs Enforcement (ICE) admitted that it wrongly said a Guatemalan man had told officials he was not afraid to be deported to Mexico—a statement central to the government's defense in an ongoing class action lawsuit. The man, identified in court papers only by the initials O.C.G., said he was persecuted in both Guatemala and Mexico before arriving in the United States.

ICE officials now say there is no record confirming that O.C.G. ever stated he was unafraid to return to Mexico. The discrepancy, they assert, was caused by flawed data entry in a software system known as the "ENFORCE alien removal module," which tracks deportation cases and allows officers to log case notes.

"Upon further investigation...ICE was unable to identify an officer or officers who asked O.C.G. if he feared a return to Mexico," wrote Brian Ortega, assistant field office director for ICE's Enforcement and Removal Operations, in a sworn statement to the federal court.

U.S. District Judge Brian Murphy, who is overseeing the class-action case, declined in April to immediately order the government to bring O.C.G. back from Mexico, in part because of the administration's claim that the man had not expressed fear of returning. Instead, Murphy ordered expedited fact-finding—a process that ultimately revealed the mistake.

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In this July 8, 2019, file photo, a U.S. Immigration and Customs Enforcement (ICE) officer looks on during an operation in Escondido, Calif. **GREGORY BULL/AP**

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individuals must be given a meaningful opportunity to contest their transfer and raise claims of torture or persecution.

O.C.G., who fled Guatemala in April 2024, said he faced persecution at home and endured rape and captivity in Mexico for being gay. In February, an immigration judge granted him protection from deportation to Guatemala. But ICE deported him to Mexico soon after — without notice and allegedly in violation of due process.

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Judge Murphy cited O.C.G.'s case in his ruling halting third-country deportations without notice. Although he expressed skepticism about the government's claim regarding O.C.G.'s supposed statement to ICE, the disputed nature of the evidence led him to hold off on ordering the man's return. It is unclear if the administration's new admission will alter that stance.

On Friday, the 1st U.S. Circuit Court of Appeals refused to remove a nationwide injunction imposed by Murphy in April, barring the rapid deportation of immigrants living in the U.S. illegally to nations other than their own country of origin

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statute revived by Trump to expedite deportations of those alleged to be gang members or terrorists, citing the government's failure to provide adequate due process.

What Happens Next

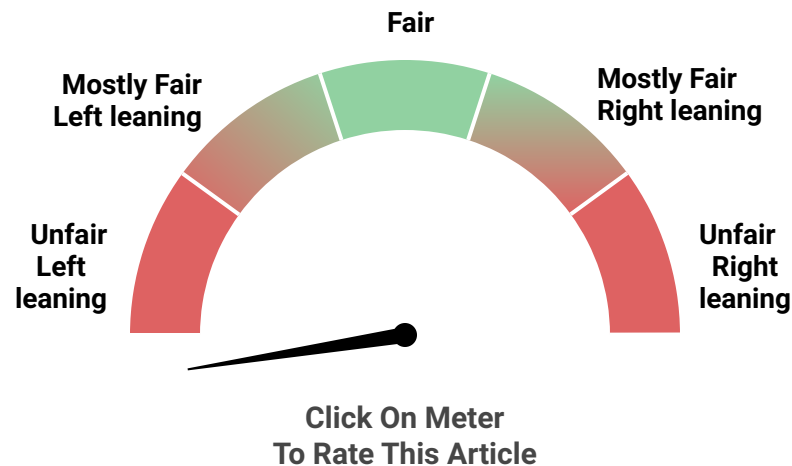
The case of O.C.G. will return to U.S. District Judge Brian Murphy, who must now decide whether the Trump administration's admission changes the legal and humanitarian calculus for ordering the man's return from Mexico



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ICE Officials Just Admitted to Another Major Deportation Error

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The Trump administration's race to deport as many people as possible, as quickly as possible, has led to another major error. This time, the administration is admitting it—and it could have a major effect on deportation lawsuits.

One of the challenges to the administration's mass deportation scheme is a class-action lawsuit, filed by some of the deported immigrants. At the center of the case is a Guatemalan man, identified only as O.C.G., who despite trying to claim asylum, was sent to Mexico. Attorneys representing Immigration and Customs Enforcement had previously claimed that the man told ICE officials that he had no problem being sent to Mexico.

Now, according to a report in *Politico*, they are admitting they have no record of an ICE agent ever being told this by the man. In court filings, ICE blames a “software tool” that allows officials to insert comments into an asylum seeker's file. They say that an entry in the system noted that the man didn't mind returning to Mexico. But ICE officials haven't been able to identify any specific officer who asked the man about returning to Mexico, which means the entry was made without basis.

The reason this matters so much is that O.C.G.'s case is part of a lawsuit to block Trump's “third country” policy. It says that if an asylum seeker tells investigators they are afraid to go back to their home country—or if an immigrant's home country won't accept them back—they can still be forced to leave the United States, as long as they are sent to a third country.

This rule has already been used by the Trump administration to send immigrants to El Salvador, Costa Rica, and Panama. The administration also announced plans to send some Asian immigrants to Libya, and is in discussion with Rwanda as another possible site. Attorneys representing O.C.G. and other asylum seekers say they are not being given an opportunity to make their cases that the third country might be as dangerous as their home country.

In the case of O.C.G., his attorneys have said that he was targeted in Mexico for being a gay man. The man said that in April 2024 he was traveling through Mexico on the way to the U.S. to try and claim asylum, when he was kidnapped, raped, and held for ransom by a group of men.

Despite that dangerous history, O.C.G. says that he was deported to Mexico anyway, and O.C.G.'s attorneys have asked the federal judge overseeing the lawsuit to have him returned to the U.S. The judge did pause the third country deportation program, but based on ICE's original assertion that O.C.G. had no problem returning to Mexico, the judge declined to order the man's return.

The administration has appealed the order to stop “third country” deportations up to a federal appeals court. On Friday, that court did agree with the lower court's decision to pause the deportations, at least temporarily. That decision freezes anymore deportations to El Salvador or Libya for the time being, but does not address the fate of O.C.G., or other immigrants who have already been improperly deported to a third country.

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